

HANDICAPPED CURB RAMPS ON PUBLIC HIGHWAY RIGHT-OF-WAY



Edward Ratulowski

BACKGROUND FIRST FEDERAL LAW

- Architectural Barriers Act of 1968**
 - All facilities constructed with Federal Funds must be accessible to the handicapped**

BACKGROUND SECOND FEDERAL LAW

- Federal-Aid Highway Act of 1973**
 - Required that Federal-aid projects constructed after July 1976, that include sidewalks, have curb ramps**
 - Implementing regulation requires that states pass a law to require curb ramps where there are sidewalks**

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BACKGROUND

INDIANA HOUSE ENROLLED ACT - 1767

- Sec. 2. "All new construction or reconstruction of public roads or streets funded wholly or in part by funds of the state, a county, or any city or town shall include the installation of permanent curb ramps at all crosswalks at all intersections where curbs and permanent sidewalks are constructed ***
- Sec. 3. Applies only to curbs constructed or reconstructed after June 30, 1978**

**Signed into law by Governor, 4/21/77*

** Incorporated into Indiana Code 8-11*

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CURRENT FEDERAL LAW
AMERICANS WITH DISABILITIES ACT
(ADA) Established JULY 26, 1990

- Five Titles; covering disability non-discrimination in employment, telecommunications, and commercial & public facilities**
- TITLE II - Nondiscrimination on the basis of disability in State and Local Government Services**
 - Curb ramps are covered under Title II**

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CURB RAMP COMPLIANCE
TIMETABLE

- Based on Department of Justice Final Rule in July 26, 1991 Federal Register**
 - July 26, 1992 – Transition Plan***
 - January 26, 1993 – Self Evaluation**
 - January 26, 1995 – All curb ramps installed**

***Written transition plan required only for public agencies with 50 or more employees**

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SELF EVALUATION

- Inventory of locations with sidewalks and curbs where curb ramps are:**
 - Non-existent**
 - Non-standard**
 - Standard**
 - ❖ **Include condition of sidewalks so that a coordinated program can be developed**
 - ❖ **Use current curb ramps standards when conducting inventory**

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CURRENT CURB RAMP STANDARDS

- Uniform Federal Accessibility Standards (UFAS)**
- ADA Accessibility Guidelines (ADAAG)**
- Indiana Department of Transportation Standard Drawings**

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TRANSITION PLAN DEVELOPMENT

- Prioritize schedule for installation of new curb ramps and for upgrading existing non-standard curb ramps**
- Prepare draft Transition Plan**
- Obtain comments at public hearing**
- Finalize plan**
 - Consider input from public meeting**

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DESIRED TRANSITION PLAN COMPONENTS

- Identify person responsible for implementation**
- Establish procedure for receiving and resolving complaints**
- Place priority on areas with high demand; hospitals, doctors offices, schools, public buildings, etc**
- Phase construction of curb ramps, in other areas of city & county, in with sidewalk construction; where possible**
- Identify funding source**

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COMPLAINTS UNRESOLVED AT LOCAL LEVELS PROCEDURES

- Complainant completes a standard form and send to U.S. Department of Justice**
- Department of Justice requests FHWA to resolve**
- FHWA contacts complainant by phone to verify**
- Field review between local agency representative and complainant**
- FHWA attempts to resolve informally & obtain timely corrective action**

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LONG TERM COMPLAINT RESOLUTION

- FHWA & Local Agency prepare a "Voluntary Compliance Agreement"**
 - Legal document signed by highest public official-Mayor/FHWA Division Administrator**

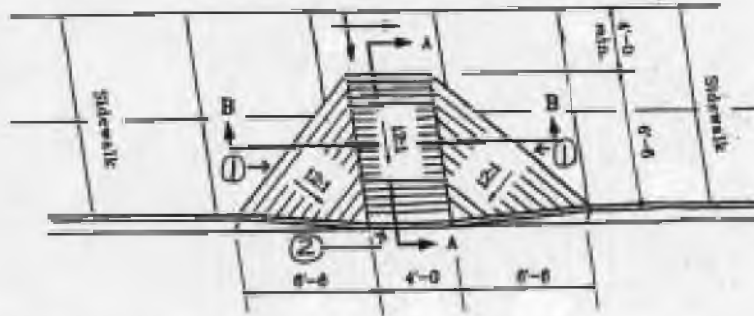
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VOLUNTARY COMPLIANCE AGREEMENT

- **Components**
 - **Corrective action & target dates**
 - **Enforcement by Dept of Justice**
 - **Quarterly Progress Reports to FHWA Division Office**

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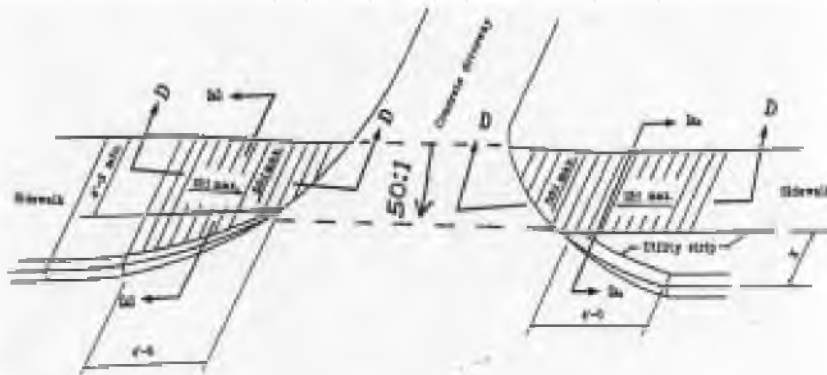
COMMON ERRORS



- 1. Slopes considerably steeper than 12:1**
- 2. One inch high curb lip uses. Bottom of curb ramp must be flush with roadway pavement surface.**

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COMMON ERRORS



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SOURCES OF ADA INFORMATION

ADA Website

<http://www.access-board.gov>

Click on Publications

Scroll down to "Public Rights-Of-Way"

Click on Building a True Community;
Accessible Public Rights of Way

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SOURCES OF ADA INFORMATION

INDOT WEBSITE

- <http://www.state.in.us/dot/>
 - Click on Doing Business with INDOT
 - Click on Consultants and Contractors
 - Click on Standard Drawings (English & Metric)
 - Click on Standard Drawing Complete Set
 - Click on Section 600 Incidental Construction
 - Click on Standard Drawings
 - 604 SDWK – 01
 - 604 SWRC – 01 thru 14
 - 610 DRIV – 01 thru 03

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INFORMATION ON ALL FIVE ADA TITLES

- Disability and Business Technical Assistance Center**
 - One Stop Shop—Ten centers nationwide (Indiana calls go to Chicago)
 - 1-800-949-4232
- ADA Design Guidelines**
 - Architectural and Transportation Barriers Compliance Board
 - 1-800-872-2253
- ◆ **Americans With Disabilities Act and Code of Federal Regulations**
 - Department of Justice
 - 1-800-514-0301

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